

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FELIX ANDRE FLORES,

PLAINTIFF,

VS.

**ALBERT F. GEISER AND
WALGREENS BOOTS ALLIANCE,
INC.,**

DEFENDANTS.

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CIVIL ACTION NO. 3:21-CV-00241

DEFENDANT ALBERT F. GEISER'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Albert F. Geiser ("Geiser") files this Notice of Removal and respectfully shows the Court the following:

1. On or about December 31, 2020, an action was commenced against Geiser and Defendant Walgreens Boots Alliance, Inc. ("Walgreens") (collectively "Defendants") in the County Court at Law No. 2, Dallas County, Texas, entitled *Felix Andre Flores v. Albert F. Geiser and Walgreens Boots Alliance, Inc.*, with the assigned cause number of CC-20-05636-B. The following documents are attached as exhibits to this Notice of Removal and are incorporated herein:

- An index of the state court filings is attached hereto as Exhibit 1;
- Plaintiff's Original Petition and Request for Disclosure to Defendants is attached hereto as Exhibit 1A;
- Letter requesting issuance of citation (dated 01-03-21) is attached hereto as Exhibit 1B;

- Letter requesting issuance of citation (dated 01-04-21) is attached hereto as Exhibit 1C;
 - Citation to Geiser is attached hereto as Exhibit 1D;
 - Citation to Walgreens is attached hereto as Exhibit 1E;
 - Defendants' Original Answer is attached hereto as Exhibit 1F;
 - Defendants' Request for Disclosure to Plaintiff is attached hereto as Exhibit 1G;
 - Motion to Withdraw and Substitute Counsel is attached hereto as Exhibit 1H;
 - Proposed Order Granting Motion to Withdraw and Substitute Counsel is attached hereto as Exhibit 1I; and
 - Signed Order Granting Motion to Withdraw and Substitute Counsel is attached hereto as Exhibit 1J.
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- The state court's docket sheet is attached hereto as Exhibit 2;
 - Declaration of Albert F. Geiser is attached hereto as Exhibit 3;
 - Notice of Service of Process on Walgreens is attached hereto as Exhibit 4;
 - Declaration of Joseph B. Amsbary, Jr. is attached hereto as Exhibit 5;
 - E-mail correspondence from Walgreens' counsel to Geiser's counsel is attached hereto as Exhibit 6; and
 - Walgreens' Certificate of Incorporation is attached hereto as Exhibit 7.

2. Geiser's first receipt of Plaintiff's Original Petition was through service of the Citation and Petition on or about January 6, 2021. *See* Exh. 3. Walgreens' first receipt of the same was through service of process on or about January 5, 2021. *See* Exh. 4. With the

exception of Plaintiff's Original Petition and Request for Disclosure, Defendants' Original Answer, Defendants' Request for Disclosure to Plaintiff, Motion to Withdraw and Substitute Counsel, and the Proposed and Signed Order Granting Motion to Withdraw and Substitute Counsel, no other pleadings have been filed. No other defendant has been named by Plaintiff. Walgreens consents to removal of this action. *See* Exh. 6.

3. This Notice of Removal is filed within thirty (30) days of Walgreens' first notice or receipt of Plaintiff's Original Petition on January 5, 2021, and is therefore timely filed pursuant to 28 U.S.C. §1446(b).

4. Removal of a civil action from state court to federal court is governed by 28 U.S.C. § 1441, *et seq.* Section 1441(a) states:

Any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

Title 28 of the United States Code Section 1332 describes the diversity jurisdiction of the U.S.

District Courts:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between -

(1) citizens of different States.

5. The above-referenced action is a civil action of which this Court has original jurisdiction by diversity of the parties, as this case is between citizens of different states. Plaintiff claims to be a Texas citizen. *See* Exh. 1A at 1, ¶2. Geiser is a citizen of the State of Illinois. *See* Exhibit 3. And Walgreens is incorporated under Delaware law and has its headquarters and principal place of business in Deerfield, Illinois. *See* Exh. 5; Exh. 7. Moreover, in his Original Petition, Plaintiff states that he seeks monetary relief of "over \$50,000.00 but less than

\$250,000.00.” See Exh. 1A at 2, ¶7. In the Damages section of Plaintiff’s Original Petition, Plaintiff alleges damages of at least \$99,410.00. See Exh. 1A at 4–5, ¶14. Accordingly, removal is proper under 28 U.S.C. §§ 1332, 1441 and 1446 due to the existence of diversity and the amount in controversy exceeding \$75,000.

6. Written notice of the filing of this Notice of Removal has been given to all parties herein, and a copy of this Notice has been sent to the County Court at Law No. 2, Dallas County, Texas.

7. Pursuant to Local Rules, a JS 44 Civil Cover Sheet for cases removed from state district court is being filed.

WHEREFORE, Geiser removes this action from the County Court at Law No. 2, Dallas County, Texas, to this Court on or about February 3, 2021, pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

/s/ Katherine Knight

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**ATTORNEYS FOR DEFENDANT
ALBERT F. GEISER**

CERTIFICATE OF SERVICE

I hereby certify that, on February 3, 2021, a true and correct copy of the foregoing instrument was served via the Court's ECF system on the following counsel of record in accordance with the Federal Rules of Civil Procedure.

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/s/ Katherine Knight
Katherine Knight